

Notice of Allowability

Application No.

09/644,560

Examiner

Daniel L. Greene

Applicant(s)

FORTE, PATRICK A.

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to 11/06/2004.
2. ☒ The allowed claim(s) is/are 20-38.
3. ☒ The drawings filed on 24 August 2000 are accepted by the Examiner.
4. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☐ All b) ☐ Some* c) ☐ None of the:
 1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

5. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
 6. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
7. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☒ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO-1449 or PTO/SB/08), Paper No./Mail Date _____
4. ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material
5. ☐ Notice of Informal Patent Application (PTO-152)
6. ☒ Interview Summary (PTO-413), Paper No./Mail Date _____
7. ☒ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other _____

JAMES P. TRAMMELL
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 3800

EXAMINER'S AMENDMENT

1. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Richard C. Weisberger on 12/29/2004.

The application has been amended as follows:

As per claim 20:

A financial transaction network for facilitating direct management of financial assets for customers in individual program accounts, comprising:

means allowing a customer to access his individual program account, the individual program account being an account representing an array of accounts that have been individually selected by the customer from the totality of the accounts and including at least one stored value account, ("SVA", which is a nonbank credit account maintained by a merchant for the customer), for a merchant,

a host processor for executing transaction instructions and maintaining individual program account information, said host processor including a database for maintaining individual program account transactions and records,

means for establishing and maintaining a plurality of customer individual program accounts and,

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means to support a customers' transactional interchange of said individual program account including access to a stored value account having been pre-authorized by a customer to settle transactions.

means for enabling a customer to utilize the value in the customer's stored value account and instruct the merchant to credit the customer's demand deposit account at a bank with funds from said merchant's demand deposit account.

As per claim 30:

A method of consumer transaction comprising the steps of:

establishing a customer individual program account which includes at least one customer stored value account,

establishing a customer demand deposit account,

establishing a merchant stored value account, ("SVA", which is a nonbank credit account maintained by a merchant for the customer), and

executing a transaction between said consumer and said merchant affecting the account balances in said customer stored value account, said customer demand deposit account and said merchant's stored value account.

enabling a customer to utilize the value in the customer's stored value account and instruct the merchant to credit the customer's demand deposit account at a bank with funds from said merchant's demand deposit account.

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2. The following is an examiner's statement of reasons for allowance:

As per claims 20 and 30, the closest prior art of record, Taylor, U.S. Patent 5,578,808 and Davis, U.S. Patent 6,282,522 taken either individually or in combination with other prior art of record fails to teach or suggest a point of deposit in a unique merchant level account maintained at a commercial institution which is a house account at the merchant level, having a positive balance rendering it a stored value account ("SVA").

The specific allowable feature, which distinguishes the present invention over the prior art is enabling a customer to utilize the value in the customer's stored value account and instruct the merchant to credit the customer's demand deposit account at a bank with funds from said merchant's demand deposit account. In other words, the merchant, be it Sears, Hecht's, etc., distributes the money in the customer's account to other institutions per the customer's request. The art discloses refund of excess funds in a merchant's account but not the active use of a merchant's account to do inter-banking transactions.

Claims 21 - 29 and 31-38 are dependent upon Claims 20 and 30 respectively and thus have all the limitations of claims 20 and 39 and are allowable for that reason.

3. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

4. Pieterse et al. U.S. Patent 5,907,832- METHOD OF DEBITING AN ELECTRONIC PAYMENT MEANS.

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5. Risafi et al. U.S. Patent 6,473,500 B1- SYSTEM AND METHOD FOR USING A PREPAID CARD.

6. Mandelbaum et al. U.S. Patent 5,544,246 A-SMARTCARD ADAPTED FOR A PLURALITY OF SERVICE PROVIDERS AND FOR A REMOTE INSTALLATION OF SAME.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Daniel L. Greene whose telephone number is 703-306-5539. The examiner can normally be reached on M-Thur. 8am-6pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, James P. Trammell can be reached on 703-305-9768. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

1/06/2005

Daniel L. Greene
Examiner
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